

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed November 26, 2003. In the Office Action, claims 1-11 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,529,680 (Broberg). Claim 16 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,133,910 (Stinebruner). Moreover, claims 12-15 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broberg in view of Stinebruner, while claims 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stinebruner in view of Broberg.

In response, Applicants have amended claims 1-15 and 18-20 and have cancelled claims 9-11 and 16-17 without prejudice. Therefore, the §102(e) rejection of claim 16 is moot based on the cancellation of claim 16 and shall not be further addressed in the remarks section. However, Applicants respectfully traverse the remaining rejections in their entirety.

I. §102(E) REJECTION OF CLAIMS 1-11

In the Office Action, claims 1-11 were rejected under 35 U.S.C. §102(e) as being anticipated by Broberg. Applicants respectfully traverse the rejection in its entirety because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, a claim is anticipated only if each and every element as set forth in the claim is described, either expressly or inherently, in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987); *See also*, MPEP § 2131. Herein, Broberg does not describe each and every element set forth in claims 1-11.

In particular, Applicants respectfully submit that Broberg teaches a channel map decision list (60) that is formed by the user selecting the channel ranges associated with each source device. As explicitly described on column 5, lines 30-53 of Broberg, the channel map decision list (60) is formed based on user selection of the default channels. For instance, channels 2-99 were user selected as being supplied by a cable because "cable channels rarely exceed 99." Channels 100-999 were digital channels from a digital satellite receiver. Thus, channel selection is not based on the existence of an overlapping condition as claimed.

In contrast, the claimed invention of claim 1 includes the limitations of (1) selecting a second source of the plurality of sources *as a second default source* and (2) *automatically* programming a *non-overlapping channel number* to tune to a station for receiving television programs provided by the *selected first default source* and programming an *overlapping channel number* to tune to a station receiving television programs provided by the *selected second default source*. Moreover, the claimed invention of claim 1 includes the limitations of a selector that automatically selects (1) a first default source of the plurality of sources *in response to selection of a non-overlapping channel number* for tuning to a station for receiving television programs provided by the first default source, and (2) a second default source of the plurality of sources *in response to selection of an overlapping channel number* in order to tune to a station for receiving television programs provided by the second default source. Emphasis added.

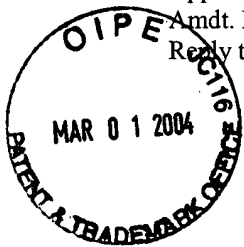
In light of the foregoing, Applicants respectfully request withdrawal of the outstanding §102(e) rejection.

II. §103(A) REJECTIONS

In the Office Action, claims 12-15 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broberg in view of Stinebruner, and claims 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stinebruner in view of Broberg. Applicants respectfully traverse the rejection in its entirety because a *prima facie* case of obviousness has not been established.

For example, neither Broberg nor Stinebruner, alone or in combination, describes or even suggests the programming of channels from different sources based on whether the channel is an overlapping or non-overlapping channel. Rather, Broberg teaches channel selection based on user preference. As a result, a *prima facie* case of obviousness has not been established and withdrawal of the §103(a) rejection is warranted.

Applicants respectfully request the Examiner to contact the undersigned attorney listed below to discuss this matter upon examination in order to facilitate prosecution of this application.



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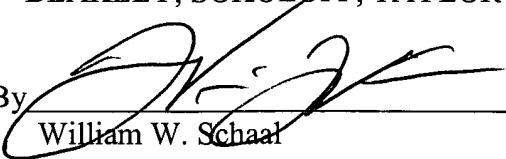
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 02/26/2004

By


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Corrin R. Davis

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